

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STACY RUSSELL, JAVIER
CASTANEDA, QUEEN STINSON,
GARRETT MAGEE, and STEPHEN E.
RICHEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ILLINOIS TOOL WORKS INC., THE
BOARD OF DIRECTORS OF ILLINOIS
TOOL WORKS, INC., THE ILLINOIS
TOOL WORKS, INC. EMPLOYEE
BENEFITS INVESTMENT COMMITTEE,
and JOHN DOES 1-30,

Defendants.

Case No. 1:22-cv-2492

Honorable John F. Kness

**PLAINTIFFS' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE AMENDED COMPLAINT**

Plaintiffs, Stacy Russell, Javier Castaneda, Queen Stinson, Garrett Magee, and Stephen E. Richey ("Plaintiffs"), by and through their attorneys, respectfully move the Court to allow Plaintiffs additional time to file their Amended Complaint. The current deadline for the Plaintiffs to file the Amended Complaint is June 23, 2023. The Plaintiffs are requesting that the deadline to file the Amended Complaint be extended two weeks to July 7, 2023. Counsel for Plaintiffs have conferred with Counsel for Defendants, and Defendants do not oppose Plaintiffs' Motion for Extension of Time. In support of this motion, Plaintiffs state as follows:

1. On May 11, 2022, Plaintiffs filed a Class Action Complaint (ECF No. 1) against Defendants.

2. On July 1, 2022, Defendants filed a Motion to Stay Proceedings Pending Decisions by the Seventh Circuit in *Hughes v. Northwestern University*, No. 18-2569 (7th Cir.), and *Albert v. Oshkosh Corp.*, No. 21-2789 (7th Cir.) (ECF No. 9).

3. On July 1, 2022, this Court granted Defendants' motion to stay proceedings during the pendency of the two Seventh Circuit appeals (ECF No. 10).

4. The Seventh Circuit decided *Albert* on August 29, 2022. *See Albert v. Oshkosh Corp.*, 47 F.4th 570 (7th Cir. 2022). The Seventh Circuit decided *Hughes* on March 23, 2023. *See Hughes v. Northwestern Univ.*, 63 F.4th 615 (7th Cir. 2023).

5. Shortly after the *Hughes* decision, the Parties met and conferred to discuss next steps in the litigation. Plaintiffs expressed their intent to file an amended complaint. Plaintiffs also asked if Defendants would voluntarily provide certain documents concerning their oversight of the Plan prior to amendment. Defendants agreed to consider a voluntary production of documents.

6. On May 5, 2023, the Parties submitted a Joint Status report proposing the following schedule for the Court's approval (ECF No. 22):

Date	Proposed Deadline
Friday, May 12, 2023	Parties file proposed confidentiality order
Friday, May 26, 2023	Defendants make voluntary production of documents
Friday, June 23, 2023	Plaintiffs file amended complaint
Friday, July 28, 2023	Defendants answer or move to dismiss

7. On May 9, 2023, the Court lifted the stay and adopted the parties' proposed schedule (ECF No. 23).

8. Defendants did not produce their voluntary production of documents until June 5, 2023. Defendants produced a total of 150 documents with a total of 4,260 pages.

9. Plaintiffs have retained an expert to help analyze the documents in preparation for drafting the Amended Complaint.

10. Despite their diligent efforts, Plaintiffs respectfully request a two-week extension of the deadline to file the Amended complaint so that Plaintiffs and Plaintiffs' expert have adequate time to analyze the 4,260 pages of documents produced by the Defendants and draft the Amended Complaint.

11. The current deadline for the Plaintiffs to file the Amended Complaint is June 23, 2023. The Plaintiffs are respectfully requesting that the deadline to file the Amended Complaint be extended two weeks to July 7, 2023.

WHEREFORE, Plaintiffs, through their respective counsel of record, respectfully request that the Court grant their motion and extend the deadline for Plaintiffs' Amended Complaint, which shall be filed electronically by July 7, 2023.

INCORPORATED MEMORANDUM OF LAW

Parties may obtain extensions of deadlines in a scheduling order upon showing (1) good cause and (2) that a deadline "cannot be met despite the diligence of the parties." FED. R. CIV. P. 16(b)(4). The good cause standard of Rule 16 "primarily considers the diligence of the party seeking amendment." *Trustmark Ins. Co. v. Gen. & Cologne Life Re of Am.*, 424 F.3d 542, 553 (7th Cir. 2005). Good cause exists when a movant shows that "despite [her] diligence the time table could not have reasonably been met." *Tschantz v. McCann*, 160 F.R.D. 568, 571 (N.D. Ind. 1995).

Here, there is good cause to extend the deadline for Plaintiffs to file an Amended Complaint. Defendants did not produce their voluntary production of documents until June 5, 2023. Defendants produced a total of 150 documents with a total of 4,260 pages. Despite Plaintiffs' best efforts, Plaintiffs and Plaintiffs' expert have not been provided with enough time to analyze the 4,260 pages of documents to draft an Amended Complaint by June 23, 2023.

This extension is not sought for the purpose of delay, but to allow Plaintiffs enough time to draft the Amended Complaint. Further, none of the Parties shall suffer any prejudice. Accordingly, the Plaintiffs respectfully request a two-week extension of the deadline to file the Amended complaint so that Plaintiffs and Plaintiffs' expert have enough time to analyze the 4,260 pages of documents produced and draft the Amended Complaint.

Dated: June 20, 2023

Respectfully submitted,

CAPOZZI ADLER, P.C.

/s/ Mark K. Gyandoh

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Counsel for Plaintiffs and the Putative Class

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, a true and correct copy of the attached document was filed with Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

/s/ Mark K. Gyandoh
Mark K. Gyandoh, Esq.